

ORIGINAL

PRESIDING OFFICER'S
RULING NO. R97-1/92

FEB 4 10 56 AM '98

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268

Postal Rate and Fee Changes

Docket No. R97-1

PRESIDING OFFICER'S RULING
IN RESPONSE TO POSTAL SERVICE OBJECTION

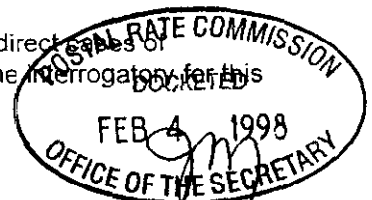
(February 4, 1998)

On January 29, 1998, the National Federation of Nonprofits (NFN) directed an interrogatory to the Alliance of Nonprofit Mailers (ANM). The following day, an Objection of the United States Postal Service to Interrogatory of the National Federation of Nonprofits to the Alliance of Nonprofit Mailers, and Request for Ruling (Motion) was filed.

The Postal Service Motion characterizes the NFN interrogatory as friendly written cross-examination. It contends that the interrogatory is designed to allow ANM to provide additional testimony creating an evidentiary basis for "a new proposal." Motion at 1. The Service contends testimony supporting such a proposal was required to be filed by December 30, 1997, and that allowing participants with similar interests to develop new evidentiary support at this late date would be extremely prejudicial.¹ The Service requests that ANM be directed not to respond to this interrogatory.

The interests of NFN and ANM have not always been identical, however, they seem congruent in this instance. Both would presumably support an adjustment which reduced the level of Standard (A) Nonprofit attributable costs. ANM already has

¹ The interrogatory was filed one day after the conclusion of discovery on direct cases of participants other than the Postal Service. The Postal Service does not object to the interrogatory for this reason.

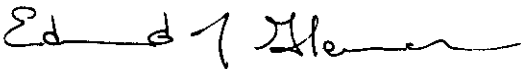


provided testimony urging the Commission to adjust mail processing costs in recognition of an alleged misstatement of Standard (A) Nonprofit costs and revenues. See ANM-T-1 at 35 et seq. and particularly 43. The Postal Service is apparently concerned that the NFN interrogatory is intended as a vehicle to enable ANM to supplement this submission. Such a stratagem would be inconsistent with the Commission's hearing procedures and the protection of the due process rights of all parties.

I will permit ANM to respond to NFN/ANM-1 by providing general statements for references to testimony or argument timely filed in this case.² The Postal Service objection is preserved as to any supplemental evidentiary material offered in response to NFN/ANM-1. ANM is to provide arguments in opposition to the Postal Service objection on or before February 10, 1998, should it include any such supplementary material in its response. The Postal Service may submit a reply on or before February 13, 1998.

RULING

1. ANM may respond to NFN/ANM-1.
2. The Postal Service objection to admission into evidence of the response to NFN/ANM-1 is preserved for future action.


Edward J. Gleiman
Presiding Officer

² The procedural schedule allows intervenors to submit trial briefs on or before February 10, 1998, the date when a response to NFN/ANM-1 is due.